

JUDGE THOMAS O. RICE

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*Attorney for Spokane County Defendants*

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

JAMES LEIGHTY,

Plaintiffs,

vs.

SPOKANE COUNTY, a municipal  
corporation; SHERIFF JOHN  
NOWELS, an individual; and  
SPOKANE COUNTY  
SHERIFF'S OFFICE, a subdivision  
of a  
municipal corporation,

Defendants.

No. 2:24-cv-00165-TOR

DECLARATION OF MARK  
GREGORY

MARK GREGORY declares under penalty of perjury of the laws of the  
State of Washington that the following statement is true and correct:

DECLARATION OF MARK GREGORY - page 1

- 1           1. That I am a Corporal with the Spokane County Sheriff's Office  
2           ("SCSO"). I have been a Corporal since 02/2019. I have been with the  
3           SCSO since 10/2001 and in law enforcement since May 1994.
- 4           2. Part of my job duties include posting to and monitoring the SCSO  
5           Facebook page which has been active since 2010. FB alone takes me  
6           several hours per week depending on page traffic.
- 7           3. There are two other members of the SCSO that may also post and  
8           monitor the SCSO Facebook page.
- 9           4. The Facebook page allows users to comment on posts we have placed  
10          on the page.
- 11          5. Spokane County has implemented a Social Media Disclaimer page (*see*  
12          *Attachment Exhibit 1*).
- 13          6. That Disclaimer specifically notes that "SCSO reserves the right to  
14          delete postings that are inconsistent with the policies in this disclaimer,  
15          including, but not limited to, comments that contain the following  
16          prohibited words, text or information:  
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  - 18                  • Defamatory, vulgar, obscene, abusive, profane, threatening,  
19                  hateful, intimidating, or otherwise offensive language.
  - 20                  • Sexual content or links to sexual content.
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- Malicious or offensive comments based on gender, race, class, ethnicity, national origin, political affiliation, religion, sexual orientation, disability or other classifications.
- Solicitations or advertisements, including promotion or endorsement of any financial, commercial, or non-governmental agency.
- Attempts to defame or defraud any individual(s) or organizations.
- Posts or comments in support of or opposition to political campaigns or ballot measures.
- Viruses or similar harmful programs, including spam and similar content.
- Proprietary information or intellectual property that is posted without the approval of the owner. Copyrighted or trademarked images or graphics. Imagery not owned by the user.
- Comments on matters unrelated to activities of Spokane County or Spokane Valley, associated boards, committees or programs, policies, operations, or general areas of responsibility and representation.

- Information that may compromise the safety or security of the public, public officials, or public systems.
- Information that violates a local, state, or national law or suggests or encourages illegal activity.

7. The disclaimer also points out to its users another important component to the SCSO which is that the “comments are important to us *and others who read these pages....*” This factor is also important in my analysis of inappropriate comments. Mr. Leighty’s post from May 8, 2024 (Exh 16, ECF, 4-1, pg. 109) is a perfect example of why that is a consideration. Not only was Mr. Leighty’s comment completely off-topic, but it also appears to have impacted a murder victim’s daughter, at least enough that she felt compelled to respond to Mr. Leighty “what does that have to do with my father’s murderer?”

8. That I have generally followed the same practice since becoming responsible for the monitoring of the FB page. If a statement is observed that is defamatory against either a deputy or the SCSO I will hide the post. I understand the definition of defamation to mean that it is an untrue statement. Regarding Mr. Leighty’s comments he has offered in his Declaration, I specifically found them to be untrue. I

1 consider the statements to be “untrue” when there has been an  
2 investigation and a finding by an outside agency and/or the prosecuting  
3 attorney’s office of no fault. With respect to Deputy Hilton (infra), SPD  
4 did find that there was probable cause, but it is still being reviewed by  
5 prosecutors. Unless he is charged or exonerated a statement of  
6 conclusion as fact is premature and therefore untrue. Deputy Hilton and  
7 any officer who is under investigation is entitled to the same  
8 constitutional right to be “innocent until proven guilty” as any citizen.  
9

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13 9. I have hidden other comments, not just J.D. Leighty’s, for not following  
14 the rules set forth in the Disclaimer.  
15

16 10. That each of Mr. Leighty’s posts as attached to exhibits in his  
17 Declaration were hidden for failing to follow the rules of the disclaimer  
18 or by FB filters/practice as noted below:  
19

- 20  
21 a. Exh. No. 1: SCSO posted a new hire announcement. “Spokane  
22 County welcomes a New Lateral Deputy.” Exh. No. 2: Mr.  
23 Leighty posted a comment “Holy cow! Are you kidding me... She  
24 put herself in close proximity of Steven when he was having a  
25 mental health crisis...” (*See ECF 4-1, p. 65*)  
26  
27  
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1 i. This post is factually inaccurate. There was an  
2 investigation completed and all three of the involved  
3 officers were found to have used justifiable force prior to  
4 her employment with SCSO. This was publicly stated on  
5 April 1, 2019, in local media sources. (*see e.g., Attachment*  
6 *Exhibit 2, KREM2 article, No Charges for 3 Officers*  
7 *involved in fatal Sept. 2018 shooting in Cheney*). This  
8 matter was closed 2 years before Mr. Leighty's March 17,  
9 2021, post defaming Nicole Burbridge. The information  
10 could easily have been determined prior to posting.  
11

12 b. Exh. No. 3: On March 23, 2021, SCSO posted "For Immediate  
13 Release, No Criminal charges in December 2020 Officer  
14 Shooting." The release provided background of the facts and the  
15 finding that Sgt. Justin White was justified in his use of lethal  
16 force against a female. Mr. Leighty posted a lengthy comment  
17 defaming Sgt. White, alleging among other things "Officer (sic)  
18 Justin White failed at so many levels at keeping our community  
19 safe...He allowed a person who was experiencing a mental health  
20 issue access to a secured area...." *See ECF 4-1, p. 71*  
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1 i. This post is factually inaccurate and was hidden because it  
2 violated our FB Disclaimer and provided inaccurate and  
3 misleading conclusions stated as fact. It was investigated  
4 by an outside agency and reviewed by the prosecuting  
5 Attorney. (*See Attachment Exhibit 4*)  
6  
7

8  
9 c. Exh 5: SCSO posted “Gang Associated Violence Press  
10 Conference,” dated March 8, 2021. (*ECF 4-1, p. 80*) In response  
11 to this post, Mr. Leighty posted “Do you just keep these in a folder  
12 called “Deflect?” Let’s get back to the homeowner your deputy  
13 shot after that homeowner called for help regarding a  
14 prowler...” (*ECF 4-1, p. 80*)  
15  
16  
17

18 i. This post was hidden because it was not related to the post,  
19 provided inaccurate and misleading information and  
20 violated our FB Disclaimer. (*See Attachment Exhibit 5*)  
21  
22

23 d. Exh 5: “Several Active SCAMS – Don’t be duped” was posted.  
24 (The date is undetermined in Mr. Leighty’s exhibits.) In response  
25 to this post regarding scams, Mr. Leighty posted another comment  
26 related to Nicole Burbridge’s hiring from Exhibit 1. “Can you  
27 address how many officer involved shootings your new hire  
28  
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1 Nicole Burbridge has been involved in. I know she was  
2 responsible for the death of Steven Anderson....”  
3

4 i. This post was hidden because it was off-topic, defamatory,  
5 misleading and a violation of our FB Disclaimer.  
6

7 e. Exh 6: “Here’s a video that the Greenfield Police Department in  
8 Wisconsin shared...” dated October 6, 2021. (*ECF 4-1, p. 89*)  
9 The post stated “Notice the officers do not just “open fire” and  
10 “murder people” as some activists and those in the national media  
11 want you to believe. They tell him multiple times to show  
12 ....” Mr. Leighty commented “Here is the problem, you don’t  
13 hold bad cops accountable. For instance, Deputy Wallace flat-out  
14 murdered Ethan Murray in the Spokane Valley on 5/4/2019....”  
15  
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19 i. This post was hidden because it was defamatory, provided  
20 inaccurate and misleading information and violated our FB  
21 Disclaimer. (*See Attachment Exhibit 3*)  
22  
23

24 f. Exh 8 & 9: It is impossible to determine what the post is from Mr.  
25 Leighty’s Declaration but upon review of the SCSO Facebook  
26 page it refers to a post by the Sheriff regarding the Sgt. Hilton  
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1 investigation and an update saying it was now under an internal  
2 investigation. (Exh 8 and 9 refer to the same post)  
3

4 i. This post was hidden because it was off-topic and  
5 defamatory. Sgt. Hilton is on leave and has not been  
6 formally charged by an outside agency although probable  
7 cause was established. (See Attachment *Exhibit 6*) Further,  
8 Spokane County would not start an internal investigation  
9 until a criminal investigation was completed so as to avoid  
10 any conflicts. This criminal investigation was completed  
11 by the City of Spokane Police Department. The length of  
12 time to complete is not within the control of the SCSO nor  
13 is SCSO involved per Washington State law.  
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19 g. Exh. 10: SCSO posted "Spokane Valley Investigative Unit  
20 Detectives Recover Large Smorgasbord of Illegal Drugs and  
21 Cash" Mr. Leighty responded off topic "How did you already  
22 arrest the suspect? According to Sheriff Nowels, you have to  
23 conduct a thorough, complete and unbiased investigation into the  
24 suspect's actions ...."  
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1 i. This post was hidden because it was off-topic, defamatory  
2 as Hilton is on leave and has not been charged, misleading  
3 and a violation of our FB Disclaimer. Sgt. Hilton is on  
4 leave and has not been formally charged by an outside  
5 agency although probable cause was established. Further,  
6 Spokane County would not start an internal investigation  
7 until a criminal investigation was completed so as to avoid  
8 any conflicts. This criminal investigation was completed  
9 by the City of Spokane Police Department. The length of  
10 time to complete is not within the control of the SCSO and  
11 it is not involved in the investigation.  
12  
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18 h. Exh 12: It is impossible to determine what the post is from Mr.  
19 Leighty's Declaration. However, according to the Facebook page  
20 it is a post, dated February 21, 2024 "Update: Sheriff Nowels'  
21 Statement regarding today's investigative Conclusion." It was in  
22 response to the SPD investigation into an incident at Terrace View  
23 Park on August 14, 2023.... "SPD found probable cause to charge  
24 [Sgt. Hilton] with Assault 2<sup>nd</sup> degree, and the case has been  
25 forwarded to the Spokane County Prosecutor's Office for  
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1 review....” Mr. Leighty responded “...Now? Why weren’t you  
2 doing an investigation already? It was obvious from the  
3 beginning that what Hilton did was wrong....”  
4

5  
6 i. This was hidden because it stated that it was ‘obvious from  
7 the beginning that what Hilton did was wrong.” This is a  
8 conclusion of the facts that was false because the  
9 independent criminal investigation by SPD was not  
10 completed in February 2024. Only upon completion of a  
11 critical incident investigation is an internal investigation  
12 initiated. This is recommended “best practice” to avoid  
13 conflicts and/or potential tainting of the independent  
14 criminal investigation conducted by SPD, at the request of  
15 Sheriff Nowels in the instance.  
16  
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20

21 i. Exh. 14: “Deputies Response to Reported Shooting” the post is  
22 about a shooting at E. 547<sup>th</sup> and Palouse highway. It was an initial  
23 notification on 03/20/24 at approximately 12:04 pm of an ongoing  
24 incident and to alert the public that they did not see this as a threat  
25 to the public at large. Two additional updates were added, at  
26 approx. 4:46 pm the same day announcing arrests and two days  
27  
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1 later providing the suspect's bond information. Mr. Leighty  
2 responded about the length of time on two investigations. The  
3 first involved two officers in a lethal force involving Robert  
4 Bradley. The other was about the Sgt. Hilton investigation and  
5 waiting to start the internal investigation.  
6  
7

8  
9 i. This comment was hidden because it was off-topic,  
10 defamatory, misleading, and a violation of our FB  
11 Disclaimer. Robert Bradley did not even involve SCSO  
12 deputies but was rather Spokane Police Department.  
13 Regardless, the officers involved in the Robert Bradley  
14 incident were also investigated and cleared. (*See*  
15 *Attachment Exhibit 7*)  
16  
17  
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19 j. Exh. 16: "Update: Gary Ault Sentenced to Life without Parole"  
20  
21 This was an update to a verdict that was obtained following a  
22 murder on December 20, 2022. Mr. Leighty responded with  
23 "When will your deputy be charged with aggravated assault on the  
24 elderly man that he pulled out of the car and beat for resting in a  
25 park parking lot after driving a long ways?" The daughter of the  
26 murder victim responded, "What does this have to do with my  
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1 fathers murdered?" Mr. Leighty again responded with "...I just  
 2 ask the sheriff to have the same due diligence with crimes  
 3 committed by his own deputies. We have seen his deputies kill  
 4 and beat innocent unarmed people and they get away with it...."

5  
 6  
 7 i. This comment was hidden because it was off-topic,  
 8  
 9 defamatory, misleading, appeared offensive to a murder  
 10  
 11 victim's daughter, and a violation of our FB Disclaimer.

12 11. Mika Rothman's statements in her Declaration appear to make many  
 13 assumptions. I am unaware of how a 3<sup>rd</sup> party would be able to conclude  
 14 as stated as fact what statements were hidden and/or deleted by SCSO or  
 15 Facebook. In other words, I can definitively answer as set forth above  
 16 that those posts proffered in Mr. Leighty's Declaration were hidden by  
 17 me for failure to follow SCSO rules. However, SCSO does not have the  
 18 ability to control or revise Facebook's rules/policies which may hide  
 19 comments if a responder's comment is hidden for any number of reasons,  
 20  
 21 including hiding/deleting by the individual Facebook account holder.  
 22  
 23  
 24

25 DATED this 13 day of June 2024.  
 26  
 27  
 28

29 Corporal Mark Gregory  
 30 Corporal Mark Gregory (Jun 13, 2024 18:02 PDT)

MARK GREGORY

DECLARATION OF MARK GREGORY - page 13

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& LACKIE, P.S.**  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 13, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Braden Pence

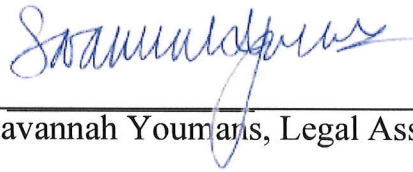
Mika K. Rothman

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Savannah Youmans, Legal Assistant







# 2024-6-13 Dec of Mark Gregory-Info Provided (v4) FINAL (2)

Final Audit Report

2024-06-14

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-  Document created by Savannah Youmans (syoumans@ecl-law.com)  
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-  Document emailed to mdgregory@spokanesherriff.org for signature  
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-  Signer mdgregory@spokanesherriff.org entered name at signing as Corporal Mark Gregory  
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